

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

By the foregoing amendments, the features of claim 22 have been added to independent claim 21. Claim 22 is therefore canceled. In addition, new claims 41 and 42 are added based upon original claims 21 and 22, with the additional aspect of reacting the hydrocarbyl compound with a peroxide compound or a halogen or a halogen-base complex. Support for the halogen base complex may be found in the specification at least at page 1, lines 4-10, page 7, line 4 et seq, and in the examples (e.g. examples 1 and 2). Claims 21 and 23-43 remain pending.

Turning to the Official Action, it is noted that claims 24, 24 and 29 have been withdrawn from further consideration by the Examiner as being directed to a non-elected species. Applicants respectfully note, however, that the Restriction Requirement mailed January 7, 2002 did not clearly state that the species election was on the basis of the type of reactant (e.g. a peroxide or a halogen reactant) reacted with the hydrocarbyl compound. It was therefore assumed that the species election was simply requested as an expedient to simplify the search and examination and that, upon an indication of allowable subject matter (e.g. reaction of the hydrocarbyl compound with a halogen, as appears to be suggested in the present Official Action), the other species covered by the claims would also be searched and examined. It is therefore respectfully requested that the Examiner clarify the species election requirement by indicating which species are considered to be patentably distinct, as well as which species of the present claims are considered to be allowable.

Claims 21, 30 and 31 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Alsop (U.S. Patent No. 4,620,040). Applicants respectfully submit that these rejections are obviated for at least the following reasons.

By the foregoing amendments, the features of claim 22 have been included in independent claim 21. Claim 22 was not rejected over this document. Accordingly, claims 21, 30 and 31, as amended, are patentable over Alsop.

Withdrawal of the rejections based upon Alsop (U.S. Patent No. 4,620,040) is respectfully requested.

Applicants further note that new claims 41-43 are also allowable over Alsop (U.S. Patent No. 4,620,040) since there is no apparent disclosure or suggestion of reacting the claimed hydrocarbyl compound with "a peroxide compound or a halogen or a halogen-base complex" according to Applicants' claims.

Claims 21-23, 26-28, 32 and 40 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 10 and 13 of U.S. Patent No. 6,316,636.

While not necessarily agreeing with the propriety of these double-patenting rejections, Applicants are willing, upon an indication that the claims are allowable, to consider filing a Terminal Disclaimer to obviate these rejections. It is requested, however, that these rejections be held in abeyance until such time as the pending claims are indicated to be allowable.

Should the filing of a terminal Disclaimer be the sole remaining issue in order for the pending claims to be allowed, the Examiner is kindly requested to contact the undersigned by telephone to expedite the filing of the necessary papers and fees.

Claims 26, 30, 31 and 33-39 also stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter. In light of the amendments to claim 21, it is believed that the cited claims should also be considered allowable.

Claims 21-23, 26-28 and 30-40 further stand objected to as containing non-elected subject matter.

Applicants also acknowledge with appreciation the Examiner's indication of allowable species subject matter present in the claims.

In accordance with the species election procedures set forth in the MPEP, Applicants respectfully request, however, that a search and examination of the other species covered by the claims be conducted.

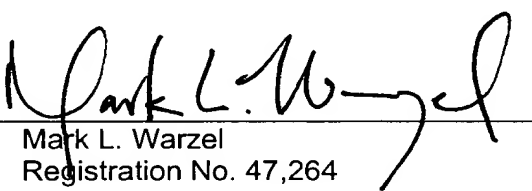
Further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If any issues remain outstanding, or if the Examiner has any questions concerning the foregoing, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

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Attachment to Reply and Amendment dated April 22, 2003
Marked up Version of Claims 21 and 23

21. (amended) A process for the synthesis of a fluorocarbon compound, comprising reacting:

a hydrocarbyl compound containing an sp^3 -hybridized halophoric carbon atom bearing at least two halogen atom substituents, at least one halogen atom having an atomic number greater than that of fluorine and said halophoric carbon atom being bonded to at least one chalcogen; with

a peroxide compound or a halogen reactant,

wherein the hydrocarbyl compound is represented by formula (II):



wherein,

R is a halogen, an electron-withdrawing group or a hydrocarbylchalcogenyl group, a hydrocarbyl radical or the sulfur, selenium or tellurium counterparts thereof;

X is a halogen;

Y is a chalcogen;

r is 0, 1 or 2, with the proviso that when Y is oxygen, r is equal to 0; and

R' and R'', which may be identical or different, are each hydrogen, or an aryl or lower alkyl radical;

Ar is a compound having at least one double bond and in which the carbon atom from which the double bond depends is an sp^1 carbon or an sp^2 carbon.

23. (amended) The process of Claim [22] 21, wherein Ar is a lower [alkyl] aryl radical having not more than 10 carbon atoms.